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THE new charter gives the city police jurisdiction for four miles from the limits thereof. This will enable the city to

exercise a much-needed control over its suburbs. ALL the Democratic noise about the loss of the surplus is without reason so long as the revenues of the government are sufficient to pay running expenses and redeem the \$55,000,000 of four-anda-half per cent. bonds which fall due

THERE are some Democrats who already see that the transfer from the treasury to the pockets of the consumers of the \$55,000,000 of duties heretofore collected on sugars is sure to popularize the present tariff law, and as the result they are not happy about it.

SUNDRY papers are keeping up a controversy over the religious belief or church of General Sherman, as if it were a matter of great importance. He was an upright man, kind and generous to all, and led a really Christian life. This being the case, whether he belonged to this or that church is of little conse-

THE Alliance House in Kansas undertook to remove the disabilities of those residents of that State who are disfranchised, unless each one asks to have his disabilities removed, by passing a bill repealing the disability act, but the Senate would not concur. It was ascertained that the bill was prepared a Macon, Ga., and sent to Kansas through the Alliance channels.

THREE Democratic members of the West Virginia House voted against the party gerrymander bill-one, a judge, because it is unconstitutional, and two because they had always tried to be honest. If these two Democrats had been brought up with the Democracy of | affairs. With the end of boss rule wil Indiana they would have sneered at the suggestion that disfranchisement by gerrymanders is dishonest.

COL. GUY V. HENRY, of the Ninth Cavalry, who has just been brevetted brigadier-general for meritorious conduct during the recent campaign against the Sioux, won his promotion fairly. It was his regiment which, by hard marches and a terrible all-night ride, reached Pine Ridge just in time to save the Seventh. They rode 102 miles in twentyfour hours. The Ninth Cavalry is a colored regiment, and when their timely arrival saved Pine Ridge and the Seventh, white men and black men hugged one another on the field. The color line was obliterated, and negro equality was accepted without reserve.

THE new charter says: "No person shall hold the office of councilman from any ward unless he is, at the time of his election, a resident voter thereof; a removal of residence from such ward shall vacate the office." Messrs. Pearson and Stechhan are no longer residents of the wards from which they were elected, and it is claimed by some that, under the foregoing provision, they have thereby vacated their offices. This is a forced construction of the charter. The provision above quoted applies to councilmen elected hereafter. It was not intended to be retroactive. Another section of the charter continues present members of the Council in office till the expiration of the terms for which they were elected.

THE election of a judge of the Supreme Court in Michigan, in April, will be likely to bring out a full vote, not so much because there is an interest in the judgeship, but by reason of a desire to test the strength of the parties. The Democrats undertook to use the industrial parties in the State by inducing them to unite upon a candidate whom the Democrats had selected. But the industrials nominated another man, compelling the Democrats to make a straight-out nomination. The attempt of the Democrats to steal the Senate by unseating two Republicans when the most of them were absent, and in one case where the committee had not made report, has caused the Republicans to remember the kind of an enemy they have to fight. The result will be awaited with considerable interest.

JUDGE PARDEE, of the United States Circuit Court in Louisiana, has refused to appoint a receiver for the cracker | Senate closed, Senator Allison, chairfactory of Klotz & Co., of New Orleans, on the complaint of the American Biscuit and Manufacturing Company, which is the so-called Cracker Trust. Kietz & Co. belonged to the trust for a time. but, after giving notice thereof, took | wait for that, knowing from their expossession of the factory which they had put into the trust and operated the advance could not be overtaken by

er, but the Judge refused on the ground that the company had been formed to control production and advance prices. He quoted the anti-trust law of Congress, and said that the organization was maintained in violation of the provisions of that law as well as of the laws of Louisiana. So it appears that the antitrust law is of practical value. But there is no such law in Great Britain, which is the home of the most comprehensive and effective trusts in the commercial world.

THE NEW CHARTER AND CITY POLITICS.

With the adoption of the new city charter the City Council is in great measure shorn of its former importance. Its character and functions will undergo an entire change. There is an end of councilmanic government, with all that that implies. Among other things, it implies an end of log-relling politics in the Council; an end of the corruption and jobbery connected with the awarding of contracts; an end of the youtickle-me-and-I'll-tickle-you business: an end of chicanery, deception and corruption in dealing with corporations; an end of wrangling over the distribution of spoils and of carving and distributing public interests to suit a few ward politicians; an end of running the city government as a party machine, and of subordinating the public welfare to party ends. All these abuses are inseparable from councilmanic government in large cities. They are an inherent part of the system as it formerly existed here, and as it still exists in other American cities, except a few which are fortunate enough to have adopted the system we now have. With the end of the evils above named

and others of a similar character will come a wholesome change in city politics. If the new charter is rightly and honestly administered there will not be much room under it for party politics, so called. City politics will consist mainly in the advancement of the city's interests by a faithful administration of public affairs, and the party that offers the best assurance of doing that will be the winning party. Indirectly one party or the other may profit in State or national politics by a faithful administration of the city government, but neither party can profit in the old-fashioned way of dispensing patronage and using the machinery of the city government for partisan purposes. That could be done under councilmanic government because of the divided responsibility and the comparative indifference of a ruling majority to public opinion. But under the new system of concentrated responsibility it will take a very bold and very bad Mayor to attempt to organize the city government as a political machine. And if any board attempts to do it in any department it will be the duty of the Mayor to call a halt and warn them to desist.

Along with this change in city politics will come a corresponding change in ward politics. With the end of councilmanic government and the frauds and abuses incident thereto comes an end of boss rule. The day of "little bosses" is at an end. There being no longer a chance for this sort of fellows to feather their nests in the Council, they will not spend money to get there. Corporations will not be interested in sending them there, because the Council will have little or nothing to do with corporation come an end of boss leadership, of boss following and of bossism generally. It may take a little while to get rid of the Sim Coys, the Hicklins and that ilk, but when they find their occupation gone they will go themselves. By a process of evolution they will drop out of sight. For a little while, perhaps, they will go on dictating nominations and controlling elections to the Council, but when they get their eyes fully opened to the fact that a position in the Council has ceased to carry with it any personal profit, official plunder or political "flooence" they will quit the business in disgust. Fellows who are "on the make" will not continue in politics when they discover that the avenues of profit are closed. All this will come about in time if the new government is faithfully adminis-

Another result, and, somewhat sad to contemplate, is that the Council meetings will undergo an entire change. There will be no more wild Western exhibitions of ward statesmanship, no more fierce wrangling over appointments to the rights of corporations, no more dead-locks over contracts, or filibustering for street improvements. All these and kindred matters are taken out of with the executive departments. The functions of the Council will be confined strictly to legislating for the general welfare and for the peace and health of the city. This may make Council meetings very tame, compared with what they have been, but they will probably be much more orderly and business-like. What is lost in picturesqueness will be gained in dignity. As the character of the Council improves and the proceedings become more orderly and businesslike, a better class of men can be induced to accept membership. All these improvements are likely to come under the new government if the people will

A CHARACTERISTIC MISREPRESENTATION.

The day Congress ended, Mr. Sayers, of Texas, a Democratic member of the committee on appropriations, was ready with a speech in which it was made to appear that the appropriations of the Fifty-first Congress aggregate \$1,006,-270,471, or an appropriation of \$188,306,-612 more than the preceding Democratic Congress. It was too early to make accurate figures, for the reason that the amounts of money voted could not then be correctly given. As the man of the committee on appropriations, asked permission to print a statement of the appropriations of the Congress, as soon as they could be ascertained, in of massing the influence that secured its the Record. The Democrats could not perience last fall that a lie started in

vet appeared, but in response to inquiry he said that total for the Congress would aggregate about \$989,700,000, or \$16,570,471 less than the figures given by Mr. Sayers of the House. It is safe to say that when Senator Allison's detailed statement is made public it will appear that his figures are correct and Mr. Sayers's are exaggerations. The correction made by Mr. Allison will have little weight with the opposition. The Democratic and assistant Democratic papers will continue to declare that the Republican Congress "looted the Treasury," voting away more than a billion of money. Senator Allison's figures make the appropriations of the Republican Congress \$171,736,141 in excess of the last Democratic Congress. The largest increase of appropriations was for pensions, the amount being \$58.654,846 in excess of the appropriations made by the Democratic House. The deficiency bills show an excess of \$52,223,547, of which \$38,000,-000 was necessary to make up deficiencies which the Democratic Congress, in order to make a show of economy, failed to appropriate to carry out the requirements of existing laws. The remainder of the deficiency bill was caused by the increase of pensions. Taking these sums from the excess estimated by Mr. Allison, \$171,-736,141, and there remains \$60,857,448 to be accounted for. The act for the repayment of the direct tax to the States requires \$15,727,000, which reduces the excess to \$45,130,748. The increase for the postal service, which included the foreign mail subsidy, is \$12,468,343. For years the people in all parts of the country have been complaining of the inadequate mail service. Fast mails were demanded between the large cities of the country by business men, and people generally asked for a more extensive and better service. The increased receipts which the better and more expensive system will yield will offset the increase of appropriations for the postal service. The increased appropriation for the navy was made necessary to pay for ships built by orders of Democratic Congresses and completed during the present fiscal year. Several millions were required to pay for the taking of the census. \$1,520,-000 has been voted for the Columbian fair, quite a large sum was se apart to pay the awards incident to the passage of a bill to pay the French spoliation claims, and several millions more to pay bounties under the free-sugar arrangements. The river and harbor bill was large, because \$6,000,000 was voted to make a harbor at Galveston, Tex., and unusual appropriations were made for the improvement of the navigation of the Mississippi, which Mr. Sayers and his Democratic friends demanded with great emphasis. He then takes advantage of the patriotic liberality of a Republican Congress, which is never sectional, to raise a false cry of extrava-

THE following is from an editorial in the Sentinel describing the condition of State finances when the late Legislature

The revenue system of the State had completely broken down. The income of the State had for years been far less than its requirements, which had been greatly increased by the establishment of a splendid system of public charities, unsurpassed in any other State. Our revenue laws were s confused jumble of illogical provisions. taken hap-hazard from the statute books of other States, ill-adapted to the conditions and circumstances of our people, admitting of the grossest mequalities and abuses allowing-indeed. facilitating-inequities in the appraisement of property for taxation and the entire escape from taxation of a great deal of property held by corpora-tions and individuals. To completely reform this complicated, cumbersome and oppressive system-if the word "system" can be applied to what was really little better than chaos-was a greater task than any single Legisiature could hope to accomplish

This is a scathing arraignment of the Democratic party and of previous Democratic legislatures. The claim that the debt-making policy gives us "our splendid system of public charities" is a false pretense. Most of these charities were established before the debt-making policy began, and the rest could and should have been established without it. The Democratic party deserves no credit for trying to patch up the State's finances after having neglected them for fifteen years and piled up a debt of \$9,000,000.

EDITOR WATTERSON cannot get over being snubbed by Governor Hill. He says now that Hill lost a great opportunity when he received his letterwhich, by the way, Hill says he never did office, no more able debates concerning receive. But Watterson says if he had gone to Mr. Cleveland and said: "'Here, Mr. Cleveland, there is an imputation that I sold you out in 1888; it is not true, but I am going to elect you,' and if he the hands of the Council and lodged | had then taken hold or nominated and managed the canvass, and elected Cleveland, nothing in the world could have kept Hill down in 1896. The whole country would have gone for him with tremendous enthusiasm." Still harping on my daughter. Governor Hill's great offense was in not falling down and worshiping the Stuffed Prophet. "As it is." says Mr. Watterson, "he will go into the Senate and be lost. He is nothing but a good organizer, anyhow. Of course, he is a bright, level-headed man, but he is not an orator or debater. There are plenty of men in the Senate who will overmatch him-Morgan, Gray, Voorhees, Reagan, George, Butler. He will but see that it is faithfully administered. lose control of the machine, and that will be the end of him." Very likely, and Mr. Cleveland's end will come in another but quite as effectual way.

THE resolutions of the Commercial Club thanking those who were instrumental in securing the passage of the new city charter contained one important oversight. This was the omission to name the Commercial Club in the list of those to be thanked. As the club could not very well confer this honor upon itself, the Journal will take the liberty of doing so, confident that thereby it voices the sentiment of the entire community. To the club belongs the chief honor of originating the idea and formulating the plan of the charter, and passage. Some individual members of the club deserve special credit for their disinterested labor in the matter, but the club, as an organization, was the business on their own account. The the truth for a long time. Sena- head and front of the charter movement. The said, "I am a Democrat." He is that trust asked the appointment of a receiv- tor Allison's statement has not The success of the movement is a fine above and before everything.

illustration of the power of organized effort and of what may be accomplished in any community by the co-operative influence of its citizens when skillfully massed and directed to a common end Indianapolis owes its new charter to the

Commercial Club. NEWSPAPER readers have for some time been vaguely conscious of a lack in the news of the day. Something, they could hardly say what, but something they had long been accustomed to seeing at this time of the year, has been missing from the dispatches. Now they know what it is: the omission has been supplied, the familiar item reappears. The fruit has been killed again, and all is well.

Now that Congress and the Legislature have adjourned the uninitiated may wonder what the newspapers will find to print. The patient editor knows that the problem remains the same as before-namely, what not to print.

BUBBLES IN THE AIR.

Up to His Game. Mr. Neversettle-What would your rates be for little game supper for four of us!

Caterer-What sort of game-confidence! Cheering Nows. Watte-I hear you are learning to ride a bicycle! Potts-I am glad to hear you say so. I have

been decidedly in doubt as to whether I was or

A Wish with Limitations Yabsley-How would you like to be such a poet as Tennyson!

Mudge-I would like to make the money he

Unconsidered Trifles. Vigo county has a physician who is also a preacher. By attending to the souls and heals he keeps himself on a very comfortable footing. If we really must have a national vegetable what is wrong with the electric-light plant?

Spring rises may now be expected in rivers and thermometers.

ABOUT PEOPLE AND THINGS.

MRS. ANNIE BESANT will represent the British section of the Theosophical Society

at the meeting of the American section, which is to be held in Boston, April 20. MME. HENRI GREVILLE, who has seen more of this country than most French women, says the American woman makes too many acquintances and too few friends.

MRS. GROVER CLEVELAND was somewhat surprised recently to find a check for \$500 in a letter from an enterprising man. In return for the money he wanted her recollections of the White House. Mrs. Cleveland promptly returned the check.

THOMAS A. EDISON, says rumor, is at work on a sure cure for that swell annovance cailed the gout. If he shall succeed in finding some kind of a lightning cure that will let as go right on living high, we will make him think his electrical discoveries "trifles, sir, mere triffes." EDWIN CONANT, of Worcester, left an

estate valued at \$300,000. Harvard College is made residuary legatee, and it is estimated that it will receive about \$100,000, which will be put into a new building to bear the testator's name. The college also gets real estate worth \$20,000.

"Cousin" BEN Folsom is quoted by "Ben Abou," of the New York Press, as having stated, in a recent letter, that Mr. Cleveland "is deriving an income at law about equal to his former salary as President, and is so contented with his New York home and profession that he will eschew politics hereafter."

ACCORDING to stories which are circulated, the Emma Juch Opera Company is struggling bravely to make its way eastward. Recently the Northern Pacific, it is said, refused to take them from Tacoma to Spokane Falls unless fares were paid in advance, and a day was lost before Mr. Locke, the manager, could secure enough money to buy the tickets.

BENN PITMAN, of Cincinnati, believes that he is the only person in this country who has shaken a hand that shook the hand of the great Wesley. "The poet Crabbe. he says, "who was the rector of the parish in which I was born, who christened me and whose funeral I attended in my boy hood, was introduced to Wesley in his old age, and in the biography of the poet it is said he was received by Wesley with 'benevolent politeness.'

It is said that the Emperor of Germany is perfectly aware that the malady he has in his ear may at any time become dangerous. The doctors have not hidden from him the fact that the state of his health is a very grave one, so the young Emperor has arranged his affairs in order to be ready for any eventuality. It is asserted that the continual voyages and journeyings that he makes are precisely because he requires change of air and scene, for he has often feverish attacks and great pain.

KENTUCKY MASONS have the honor of having established the first home for the care of their widows and orphans. The home is located at Louisville, and is large enough for over two hundred inmates. The plan includes several shops, in which supplies for the inmates are made. The Masonic Home Journal is printed in the building, and also other matters relating to the order. The boys and men who are the ben-eficaries of the institution do most of the work, and the younger ones are given instruction in various trades. The cost of the home is about \$100 a year for each in-

SPEAKER REED is a graduate of Bowdoin College. By his classmates he is remembered as a tall, gawky country boy when he entered the college in 1856. A friend told me a story about the Speaker's first decla-mation in college. Reed wrote one that didn't suit him, and he tore it up. And what do you suppose he finally settled upon! Not the tariff! It was "The Fear of Death," and it was the weirdest, quaintest essay college-boy ever prepared. You could always find Reed either in his room or else in the college library. He was a thorough student. Reed hasn't forgot any of his learning.

"HONEST DEMOCRATS." They Are Mighty Scarce, Especially Among Treasurers of Southern States.

The junior Tammany organ in New York, in a broadside of abuse and mud-slinging, thrashes the old straw which it has thrashed over and over again during the past two years. Another organ, taking its one from its file leader, reiterates the charges in the same vague way and sneers at "the thieving Republican officials," and congratulates the people upon the advent of "honest Democrats." Our contemporary doesn't deign to mention a single instance of Republican thieving. The Inter Ocean will not be so modest to Democrats, and will more specific. In yesterday's issue noted that this week it has been discovered there was missing \$589,150 from the vault of the State treasury of Delaware. The Treasurer and officials are Democrats. Arkansas has been twice robbed—once by Churchill for \$80,000, and then by Woodruff for \$68,000. Both were Democrats. A Mr. Archer, in Maryland, is reported getting away with \$132,000, and they don't elect Republican Treasurers there. Alabama is Republican Treasurers there. Alabama is short \$243,000, and Mr. Vincent was not a Republican. "Honest Dick Tate, of Kentucky." was the pride of Democracy in that State, and he was short at the lowest estimate \$247,000. Hemingway. of Mississippi, was only short \$315,000. Polk, of Tennessee, only used \$400,000 of the people's money while Burke, of Louisiana, gobbled \$827,000.

Accounting for It. Phitadelphia Press.

Governor Hill's affection for Connecticut criminals is not a subject for wonder. He himself has said it: "I am a Democrat."

A Type of His Party.

Milwaukee Sentinel.

COURT NEWLY ESTABLISHED

The Jurisdiction of the Appellate Bench as Explained by Judge Elliott.

Cases of Which It Can Take Cognizance on Anneal, and Those That Must Be Heard by the Supreme Court.

In answer to the Clerk of the Supreme Court the judges thereof have concurred in an opinion prepared by Judge Elliottexplaining the jurisdiction clause of the law establishing the Appellate Court. The act, it is held, does not define appellate jurisdiction generally, but simply that of the court in question, and this has already led to some confusion among the attorneys of the State. According to Judge Elliott, if a case is one of appellate cognizance, and does not fall within one of the classes over which the Appellate Court is given jurisdiction, it is within the jurisdiction of the Supreme Court. In the course of the opinion Judge Elliott states: It is at present unnecessary to do more than consider and construe Section 1 of the act, and

in giving it a construction we shall not attempt to go into details, but shall simply indicate th general lines which form the boundaries of the jurisdictional field of the Appellate Court.

The section of the act referred to, in so far as it is relevant to the subject with which we are immediately concerned, reads thus: "The name of such court shall be the Appellate Court. It shall consist of five judges, and have exclusive jurisdiction of all appeals from the Circuit, Superior and Criminal courts, in cases of misdemeanor, cases originating before a justice of the peace, where the amount in controversy exceeds \$50, exclusive of costs; all cases for the recovery of money only where the amount in controversy does not exceed \$1,000, and all cases for the recovery of specific personal property; actions between landlord and tenant, for the recovery of the the possession of the leased premises, and in all cases of appeals from orders allowing or disallowing claims against decedents' estates. In all such cases the decision of the Appellate Court shall be final. Provided, however, that if the validity of any statute of this State or of the United States is involved said court shall so

the United States is involved said court shall so certify, and thereupon the transcripts, with all the papers in such cause, shall be transmitted to the Supreme Court, with such certificate, and filed therein, and all proceedings conducted thereafter as if said cause had been originally

appealed to the Supreme Court."

It is simply repeating in another form of words the provisions of the act to declare, as we do, that prosecutions in cases of misdemeanors are within the jurisdiction of the Appellate Court. Such cases form the first class. Appeals from judgments rendered in cases of prosecution for felonies fall within the jurisdiction of the Supreme Court, inasmuch as jurisdiction of that class of cases remains untouched. The sec-ond class of cases over which the Appellate Court is given jurisdiction embraces all cases which originated before a justice of the peace, wherein the amount in controversy, exclusive of costs, exceeds \$50. It may, perhaps, be said with relevancy and propriety that, under the uniform decis to be determined from the record and the material parts of the pleading, and not from the formal demand for judgment. (Cincinnati, etc., Company vs. McDade, 111 Ind., 23; Winship vs. Block, 96 Ind., 446; Parsley vs. Eskew, 73 Ind., 558; Wagnor vs. Kastner, 79 Ind., 162; Baltimore, etc., Company vs. Johnson, 35 Ind., 57; Galbreath vs. Trump, 35 Ind., 381; Breidert vs. Krueger, 76 Ind., 55; Sprinkle vs. Toney, 73

The third class of cases is thus designated: "All cases for the recovery of money only where the amount in controversy does not exceed \$1,000. cases where the entire recovery sought or ob tained is money, whether in actions on contract or for torts, belong to this class designated by the provisions fixing the amount of \$1,000 as the limit of the jurisdiction. If the recovery in the trial court does not exceed that limit, and is for money only, then the jurisdiction is, as a general rule, in the Appellate Court, although interest accruing subsequent to the judgment may increase the amount which the judgment will yield beyond \$1,000. This is the doctrine of many of the cases last referred to, and it is in accordance with principle. Matters of the character indicated, which arise subsequent to the judgment, cannot affect the question of jurisdiction. (Bank vs. Daniel, 12 Pet., 52; Walker vs. United States, 4 Wall., 163; Elgin vs. Marshall, 106 U. S., 578; Bruce vs. Manchester, etc., Co., The decisions upon the statute fixing the juris

formed part of our judicial system are not without force upon the phase of the question prosented by the inquiry as to the effect of the nat-ure of the action, for these decisions affirm that, no matter what is the character of the action wherein only a money recovery is sought, or is obtainable, if the amount is within the limit, jurisdiction exists. (McCole vs. The State, 10 Ind., 30; Hawkins vs. the State, 24 Ind., 228.) Where, therefore, there is a recovery which does not exceed \$1,000, and a simple money judgment is rendered, the case, as a general rule, will fall to the Appellate Court. Where, however, there is a recovery with which the plaintiff is content, and there is no counter-claim, the judgment is the standard by which jurisdiction is to be determined. (Sprinkle vs. Toney, supra; Louisville, etc., Co. vs. Coyle, 35 Ind., 316; Alabama, etc., Co. vs. Nichols, 109 U. S., 232; First

diction of the Common Pleas Court that once

National Bank vs. Reddick, 110 U. S., 224.) But where there is no recovery, as, for instance, where a demurrer is sustained to a complaint, there is real difficulty in determining where the jurisdiction resides. It seems, however, that, under the decisions referred to in considering the second class of cases over which the Appellate Court has inrisdiction, the is not to be determined from the formal demand for judgment, but from the body of the pleading. This is the doctrine of the Supreme Court of the United States. (Lee vs. Watson, 1 Wall., 337.)

DEBATABLE QUESTIONS. It seems, also, that where there is a fairly debat able question regarding the amount in controversy the jurisdiction is in the Supreme Court, since this conclusion harmonizes with the doctrine upon the subject of the jurisdiction of constitutional questions, as well as with the foundation principle that cases not taken from the Supreme Court remain within its jurisdiction. It follows that if, from the material statements of a complaint, there is a probability that more than \$1,000 may be recovered upon trial, then the juris diction in a case where a demurrer is erroneous ly sustained to a complaint is in the Supreme Court. If a cross-complaint or counter-claim is tiled making a real controversy for a sum exceeding \$1,000 the jurisdiction is, ordinarily, in the Supreme Court. (Ryan vs. Brindley, 1 Wall.,

More than \$1,000 may, in some cases, be in actual controversy, although the verdict may be in favor of the plaintiff for a less sum. (Wilson vs. Daniels, 3 Dall., 401.) But this phase of the question as presented by the clause last quoted we shall leave without further suggestions or comment, not assuming to anticipate cases of a peculiar character which

Turning to another phase of the question pre-sented by the clause "all cases for the recovery of money only," we find that it is money recoveries and money recoveries only that are embraced within its terms. The words employed, even excluding the adverb "only," which is by no means without influence, very clearly confine the jurisdiction of the Appellate Court to actions where no other relief than a money recovery is demand; able as of right. Suits in equity are, therefore, not within the jurisdiction of the Appellate Court, for where any relief beyond a money recovery is demandable or is awarded the whole covery is demandable or is awarded the whole case falls to the Supreme Court, although a money judgment may be included in the decree. It is an ancient rule, illustrated by many cases, that if a court obtains jurisdiction for one purpose it will retain it for all purposes. (Albrecht vs. The C. C. Foster Lumber Company, 26 N. E. R., 157; Field vs. Holzman, 93 Ind., 205, and cases cited; Wood vs. Ostram, 29 Ind., 177.) This rule has been applied to appeals. (Feder vs. Field, 117 Ind., 386; Pittman vs. Wakefield, (Ky...) 13 S. W. R., 525.) If this were not the rule we should have the strange anomaly of one court deciding have the strange anomaly of one court deciding one part of a case and another court deciding another part of the same case. It results from the rule we lay down that jurisdiction of all cases of purely equitable cognizance remains in the Supreme Court. Suits for injunction, for the specific performance of contracts, for the rescission of contracts; and, indeed, all cases of like character fall within the rule stated, and the Appel late Court has no jurisdiction over them. Within this rule fall all suits for the foreclosure of liens against real property, whether mortgage liens, vendor's liens or liens of a different class, provided, of course, that they are such as can only be enforced specifically. If there is a decree es-tablishing or enforcing a lien against land the cause is within the jurisdiction of the Supreme Court, for all such cases are cognizable in equity. (Albrecht vs. C. C. Foster Lumber Co. supra, and cases cited.)

It must, of course, appear from the material allegations of the pleadings or the recitals of the record that an element is present making the case something more than one for the recovery of money only. The clause of the act designating the fourth class of cases over which the Appellate Court is given jurisdiction is very broad and comprehensive. Within its sweep seem to fall all actions of replevin, whatever may be the value of the property in controversy; and, if so, all such actions are appealable to the Appellate Court, (Hall vs. Durham, 113 Ind.,

It may be, however, that some actions for the recovery of specific personal property may pos-sess features of such an unusual nature as to take them out of the general rule; but this pre-cise question we shall not now undertake to determine. It is sufficient for our immediate purpose to adjudge that the general rule is, that all actions for the recovery of specific personal property are within the jurisdiction of the

Appellate Court, thus leaving for future consideration the question whether there are or are not exceptions to the general rule.

The fifth class of cases is designated as all "actions between landlord and tenant for the recovery of the possession of the leased premises. t is obvious that two things must concur to give the Appellate Court jurisdiction in this class of cases. (1) The relation of landlord and tenant must exist, and (2) the action must be for the recovery of the demised property. All actions for the recovery of real estate where these two elements do not exist are within the jurisdiction of the Supreme Court. The jurisdiction of that court in actions affecting the title to real property, or the possession of such property, is very extensive, for it includes all classes of cases of that general character, and embraces all estates and interests in lands, saving only cases where the interest or estate arises out of the relation o andlord and tenant. Nor is it entirely clear that there may not be exceptional cases even where that relation does exist within the jurisdiction of the Supreme Court; as, for instance cases where some relief it addition to that of the recovery of possession is sought. But we shall not now do more than suggest the general rule The sixth class of cases is very clearly marked and defined by the language employed. The class of cases designated is a very limited one, for it does not embrace general probate matters. It is confined to orders allowing or disallowing claims against decedents' estates, and does no embrace actions brought to contest wills, suits for the construction of wills, applications for the appointment or removal of administrators or executors; or, indeed, any cases of a similar character. Nor is the demand of an heir, legatee or devisee within the scope of the provision mentioned, for these provisions embrace onis claims made by creditors. The Clerk will make the transfer of cases to the Appellate Court, as required by Section 19 of the act, under the rules laid down in this opinion. In the event that any case transferred under this order shall, upon examination, be found to belong to the docket of the Supreme Court, it shall, under the provisions of Section 25 of the act, be returned to the docket of this court.

REJOICING IN THE BEAUTIFUL.

Mr. Will Forsythe's Talk About Artists and the Desire That Inspires Them to Work.

Mr. Will Forsythe, under the auspices of the Art Association, talked very entertainingly on art and artists at the Propyleum last night. "There have been," he said in the sourse of his remarks, "men who were so constituted that the instinct to rejoice in the beautiful was paramount to all other objects in life. They were artists, and it little matters whether they carved rude designs on tusks of elephants or horns of deer, built temples and carved statues in Egypt or Greece, wove carpets in Asia or daintly stained the beautiful form of clay in far Japan, or filled the palaces and cathedrals of Europe with glowing color and shapely form; the instinct was the same. Each in his own way sought, with love in his heart and skillful hands, to realize the dream that filled his soul. Art has no mission other than to try to realize the beautiful; it preaches no sermon, tells no story, has no duty to perform, has no moral

The artist works, Mr. Forsythe said, because he loves his calling, and because there is no other way to still the desire that is in him to make visible in form or color the thoughts that throng his mind. "Do you moralize about a meadow lark." the ecturer remarked, "as he sits on the top of a dry stalk nodding in the spring and sending long waves of fresh sound across the fields? He sings because he must, because he wants to sing, and if the poet or artist, or vagrant boy prone in the soft grass, bends his head and listens and laughs softly to himself or sends a glad cry across the fields, it is because the heart is glad and leaps to meet the wild musician. half intoxicated with delight. They reoice together, and lark and man seek not the reason. They only know and feel That is the right attitude toward the artist. whether he be painter, musician poet or what else. If he is of the right kind he is trying to make you feel as he does. If you are in sympathy he will seize you and carry you along with him to the full tide of feeling, and leave you with eyes wet and heart vibrating with the gladness that comes only with the full realization of

NEW LINE FROM BROAD RIPPLE.

Contractors Again Dealing with Projectors of the Enterprise-Probable Route in the City.

Joseph S. Qualey and Harold Sturgis, the Chicago street-railway contractors, who came here three months ago, in the interest of an electric line from Broad Ripple to the city, were at the Denison yesterday. They came to complete the arrangements for the line, the passage of the suburban streetrailway bill having given them an assurance of getting a right of way into the city. "Of course much depends upon the decision of the Supreme Court upon the constitutionality of the law." said "but to a reporter, stands months ago. The men were called here to confer with several Indianapolis capitalists who are anxious to see the project carried out. We have drawn up a new contract and it will probably be signed next week. Unless something unforeseen occurs the road will be built. Whether the overhead or storage system will be used has not been decided, but in either case we will give the people of the city a line of rapid transit pefect in every detail. According to our contract we are to have it in operation by July 1, and if we can get enough men to do the work of grading and laying the track we will have it completed by that time. The route has not been determined, but we will probably enter the city on Central avenue, running down that thoroughfare to Fort Wayne avenue. We will go west from that point, and come direct to the business portion of the city.

EXPERTS WITH THE GUN.

Date and Events of the Capital City Gun Club's Next Tournament.

The semi-annual tournament of the Capital City Gun Club is to take place here May 19, 20 and 21. One day will be devoted to live-bird sweepstakes while other two will be given over to inanimate target matches, probably at Peoria blackbirds, which is hereafter to be the club's target when not shooting at pigeons or sparrows. Much interest 18 being taken in the coming match for the cup formerly held by Mr. Beck, between J. A. R. Elliott, the present champion, and Charles Budd, of Des Moines, Ia., who expects to regain possession of the trophy, which he was the first to win. Fred Erb took it from him, Beck from Erb and Elliott from Beck. It would be rather a remarkable thing if the oup should again swing around

George Beck's Skill. George Beck, the ex-champion, did some fine work at St. Louis last Saturday in a sweepstake shoot at wild pigeons. He tied Hagerty, the crack shot of that city, for first money, each killing twenty-three out of twenty-five, and, in the shoot-off, killed twenty-five straight, defeating the St. Louis expert. There is to be a wild-pigeon tournament there in a few weeks, and 6,000 birds are to be shipped from the Indian Territory to furnish the targets. Mr. Beck will probably take part in this event.

Shooting at One Hundred Birds, There will be a live-bird match, for \$100 a side, at the Capital City Gun Club's park

next Tuesday afternoon, between Charles Polster and Charles Cook. Each man will shoot at one hundred birds, and a closerace is looked for. Cook having defeated Polster in their last match, and the latter being exceedingly anxious to even matters up. It is probable that there will be sweepstake shooting all day.

A Stray Carrier.

Charles Polster has in his possession a

stray carrier pigeon with the registry mark, "17274 H.," on the band on its leg. It is

supposed to be the property of one of the pigeon fanciers of this city or vicinity. Appellate Court Judges. Governor Hovey will probably appoint

the Appellate Court Judges to-day. He has an unusually long list of applicants from which to choose. It is thought by many that Col. James B. Black, of this city, will be one of those appointed.